

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE
COMPANY, GEICO INDEMNITY COMPANY,
GEICO GENERAL INSURANCE COMPANY
and GEICO CASUALTY CO.,

Plaintiffs,

-against-

ALEX KHAIT, D.C.,
CITY CHIROPRACTIC, P.C.,
ATLANTIC CHIROPRACTIC, P.C.,
ACTIVE CHIROPRACTIC, P.C.,
ACTUAL CHIROPRACTIC, P.C.,
AMERICAN CHIROPRACTIC CARE, P.C.,
and JOHN DOE DEFENDANTS “1” – “10”,

Defendants.
-----X

Case No.: 17-cv-01881 (PKC)(RER)

**KHAIT DEFENDANTS’
ANSWER TO COMPLAINT**

Defendants, Alex Khait, D.C., City Chiropractic, P.C., Atlantic Chiropractic, P.C., Active Chiropractic, P.C., Actual Chiropractic, P.C. and American Chiropractic Care, P.C. (individually and collectively “Khait Defendants” or “Defendants”), by and through their attorneys Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP, as and for their Answer to the Plaintiffs’ Complaint (“Complaint”) dated April 3, 2017, set forth as follows:

1. Deny knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 1 of the Complaint.
2. Admit Khait is a chiropractor licensed to practice chiropractic in New York and that he owns City Chiropractic, P.C., Atlantic Chiropractic, P.C., Active Chiropractic, P.C., Actual Chiropractic, P.C. and American Chiropractic Care, P.C., but deny the remainder of the allegations of Paragraph 2 of the Complaint.

3. Deny the allegations contained in Paragraph 3 of the Complaint.

4. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 4 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

5. Deny the allegations contained in Paragraph 5 of the Complaint.

6. Deny the allegations contained in Paragraph 6 of the Complaint.

7. Defendant avers that Paragraph 7 of the Complaint references Exhibits “1” – “5” to the Complaint. As those documents speak for themselves, no responsive pleading is required and refer the Court to Exhibits “1” – “5” to the Complaint.

8. Deny the allegations contained in Paragraph 8 of the Complaint.

9. Deny the allegations contained in Paragraph 9 of the Complaint.

10. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 10 of the Complaint.

11. Admit that Khait resides in and is a citizen of New York, that he was licensed to practice chiropractic on or about November 19, 2001, and as for the remainder of the allegations in Paragraph 11 of the Complaint, object to the characterization “nominal or paper owner” of the PC Defendants.

12. Admit the first sentence in Paragraph 12 of the Complaint but deny the remainder of the allegations of said Paragraph.

13. Admit the first sentence in Paragraph 13 of the Complaint but deny the remainder of the allegations of said Paragraph.

14. Admit the first sentence in Paragraph 14 of the Complaint but deny the remainder of the allegations of said Paragraph.

15. Admit the first sentence in Paragraph 15 of the Complaint but deny the remainder of the allegations of said paragraph.

16. Admit the first sentence in Paragraph 16 of the Complaint but deny the remainder of the allegations of said paragraph.

17. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 17 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

18. Neither admit nor deny the allegations contained in Paragraph 18 of the Complaint but refers this allegation to the Court for its determination of the laws cited therein.

19. Neither admit nor deny the allegations contained in Paragraph 19 of the Complaint but refers this allegation to the Court for its determination of the laws cited therein

20. Neither admit nor deny the allegations contained in Paragraph 20 of the Complaint but refers this allegation to the Court for its determination of the laws cited therein

21. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 21 of the Complaint.

22. The allegations in Paragraph 22 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

23. The allegations in Paragraph 23 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

24. The allegations in Paragraph 24 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

25. The allegations in Paragraph 25 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

26. The allegations in Paragraph 26 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

27. The allegations in Paragraph 27 of the Complaint state legal conclusions or purport to interpret The New York State Insurance Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

28. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 28 of the Complaint.

29. The allegations in Paragraph 29 of the Complaint state legal conclusions or purport to interpret The Education Law statutes and regulations, as such Defendants neither admit nor deny those allegations.

30. The allegations in Paragraph 30 of the Complaint state legal conclusions or purport to interpret The Education Law statutes and regulations, as such Defendants neither admit nor deny those allegations.

31. The allegations in Paragraph 31 of the Complaint state legal conclusions or purport to interpret The New York Public Health Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

32. The allegations in Paragraph 32 of the Complaint state legal conclusions or purport to interpret The New York Public Health Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

33. The allegations in Paragraph 33 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

34. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 34 of the Complaint.

35. The allegations in Paragraph 35 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

36. The allegations in Paragraph 36 of the Complaint state legal conclusions or purport to interpret The New York State Insurance Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

37. Neither admit nor deny but aver to the “Fee Schedule” referred to in Paragraph 37 of the Complaint.

38. Neither admit nor deny but aver to the “Fee Schedule” referred to in Paragraph 38 of the Complaint, in addition, Defendants refer to the certification of CPT Codes by AMA for complete recitation of CPT Codes.

39. The allegations in Paragraph 39 of the Complaint state legal conclusions or purport to interpret The New York State Insurance Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

40. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 40 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

41. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 41 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

42. Deny the allegations in Paragraph 42 of the Complaint.

43. Deny the allegations in Paragraph 43 of the Complaint.

44. Deny the allegations in Paragraph 44 of the Complaint.

45. Deny the allegations in Paragraph 45 of the Complaint.

46. Deny the allegations in Paragraph 46 of the Complaint.

47. Deny the allegations in Paragraph 47 of the Complaint.

48. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 48 of the Complaint.

49. Deny the allegations in Paragraph 49 of the Complaint.

50. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 50 of the Complaint.

51. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 51 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

52. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 52 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

53. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 53 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

54. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 54 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

55. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 55 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

56. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 56 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

57. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 57 of the Complaint.

58. Deny the allegations in Paragraph 58 of the Complaint.

59. Deny the allegations in Paragraph 59 of the Complaint.

60. Deny the allegations in Paragraph 60 of the Complaint.

61. Deny the allegations in Paragraph 61 of the Complaint.

62. Deny the allegations in Paragraph 62 of the Complaint.

63. Deny the allegations in Paragraph 63 of the Complaint.

64. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 64 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

65. Deny the allegations in Paragraph 65 of the Complaint.

66. Deny the allegations in Paragraph 66 of the Complaint.

67. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 67 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

68. Deny the allegations in Paragraph 68 of the Complaint.

69. Deny the allegations in Paragraph 69 of the Complaint.

70. The allegations in Paragraph 70 of the Complaint state legal conclusions or purport to interpret The New York Public Health Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

71. The allegations in Paragraph 71 of the Complaint state legal conclusions or purport to interpret The New York Public Health Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

72. Deny the allegations in Paragraph 72 of the Complaint.

73. Deny the allegations in Paragraph 73 of the Complaint.

74. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 74 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

75. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 75 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

76. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 76 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

77. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 77 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

78. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 78 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

79. Deny the allegations in Paragraph 79 of the Complaint.

80. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 80 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

81. Deny the allegations in Paragraph 81 of the Complaint.

82. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 82 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

83. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 83 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

84. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 84 of the Complaint.

85. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 85 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

86. Neither admit nor deny but aver to the “Fee Schedule” referred to in Paragraph 86 of the Complaint, in addition, Defendants refer to the certification of CPT Codes by AMA for complete recitation of CPT Codes.

87. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 87 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

88. Defendant avers that Paragraph 88 of the Complaint references Exhibits “1” – “5” to the Complaint. As those documents speak for themselves, no responsive pleading is required and refer the Court to Exhibits “1” – “5” to the Complaint.

89. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 89 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

90. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 90 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

91. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 91 of the Complaint.

92. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 92 of the Complaint.

93. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 93 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

94. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 94 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

95. Neither admit nor deny the allegations contained in Paragraph 95 of the Complaint but refers the Court to the text of the AMA “CPT Assistant” referred to therein.

96. Neither admit nor deny but aver to the “Fee Schedule” referred to in Paragraph 95 of the Complaint.

97. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 97 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

98. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 98 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

99. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 99 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

100. Neither admit nor deny but aver to the “Fee Schedule” referred to in Paragraph 100 of the Complaint.

101. Defendant avers that Paragraph 101 of the Complaint references Exhibits “1” – “5” to the Complaint. As those documents speak for themselves, no responsive pleading is required and refer the Court to Exhibits “1” – “5” to the Complaint.

102. Neither admit nor deny the allegations contained in Paragraph 102 of the Complaint but refers the Court to the text of the AMA “CPT Assistant” referred to therein.

103. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 103 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

104. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 104 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

105. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 105 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

106. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 106 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

107. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 107 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

108. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 108 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

109. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 109 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

110. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 110 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

111. Deny the allegations in Paragraph 111 of the Complaint.

112. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 112 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

113. The allegations in Paragraph 113 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

114. The allegations in Paragraph 114 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

115. The allegations in Paragraph 115 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

116. The allegations in Paragraph 116 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

117. The allegations in Paragraph 117 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

118. The allegations in Paragraph 118 of the Complaint purport to assert and characterize certain principles of medicine and science, and/or policies of certain professional medical societies, which Defendants neither admit nor deny. Defendants dispute the characterizations attributed to said principles and/or policies in this Paragraph, which are not

properly plead in accordance with Federal Rule of Civil Procedure 8(a), and refer same to the trier of fact following expert testimony at trial of this action.

119. Neither admit nor deny but refers the Court to the “Recommended Policy” of AANEM referred to in Paragraph 119 of the Complaint.

120. Neither admit nor deny but refers the Court to the “Recommended Policy” of AANEM referred to in Paragraph 120 of the Complaint.

121. Neither admit nor deny but refers the Court to the “Recommended Policy” of AANEM referred to in Paragraph 121 of the Complaint.

122. Deny the allegations in Paragraph 122 of the Complaint.

123. Deny the allegations in Paragraph 123 of the Complaint.

124. Deny the allegations in Paragraph 124 of the Complaint.

125. Neither admit nor deny the allegations contained in Paragraph 125 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

126. Neither admit nor deny the allegations contained in Paragraph 126 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

127. Neither admit nor deny the allegations contained in Paragraph 127 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

128. Neither admit nor deny the allegations contained in Paragraph 128 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

129. Neither admit nor deny the allegations contained in Paragraph 129 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

130. Neither admit nor deny the allegations contained in Paragraph 130 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

131. Neither admit nor deny the allegations contained in Paragraph 131 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

132. Neither admit nor deny the allegations contained in Paragraph 132 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

133. Neither admit nor deny the allegations contained in Paragraph 133 of the Complaint because they comprise specific medical and/or scientific principles and are not factual

allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

134. Deny the allegations in Paragraph 134 of the Complaint.

135. Deny the allegations in Paragraph 135 of the Complaint.

136. Neither admit nor deny the allegations contained in Paragraph 136 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

137. Deny the allegations in Paragraph 137 of the Complaint.

138. Deny the allegations in Paragraph 138 of the Complaint.

139. Deny the allegations in Paragraph 138 of the Complaint.

140. Neither admit nor deny the allegations contained in Paragraph 140 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

141. Neither admit nor deny the allegations contained in Paragraph 141 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

142. Neither admit nor deny the allegations contained in Paragraph 142 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

143. Neither admit nor deny the allegations contained in Paragraph 143 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

144. Neither admit nor deny the allegations contained in Paragraph 144 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

145. Neither admit nor deny the allegations contained in Paragraph 145 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

146. Deny the allegations in Paragraph 146 of the Complaint.

147. Deny the allegations in Paragraph 147 of the Complaint.

148. Deny the allegations in Paragraph 148 of the Complaint.

149. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 149 of the Complaint.

150. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 150 of the Complaint.

151. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 151 of the Complaint.

152. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 152 of the Complaint.

153. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 153 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

154. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 154 of the Complaint.

155. Deny the allegations in Paragraph 155 of the Complaint.

156. Deny the allegations in Paragraph 156 of the Complaint.

157. Deny the allegations in Paragraph 157 of the Complaint.

158. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 158 of the Complaint.

159. Deny the allegations in Paragraph 159 of the Complaint.

160. Deny the allegations in Paragraph 160 of the Complaint.

161. Deny the allegations in Paragraph 161 of the Complaint.

162. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 162 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

163. Deny the allegations in Paragraph 163 of the Complaint.

164. Defendant avers that Paragraph 164 of the Complaint references Exhibits “1” – “5” to the Complaint. As those documents speak for themselves, no responsive pleading is required and refer the Court to Exhibits “1” – “5” to the Complaint.

165. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 165 of the Complaint.

166. Deny the allegations in Paragraph 166 of the Complaint.

167. Deny the allegations in Paragraph 167 of the Complaint.

168. Deny the allegations in Paragraph 168 of the Complaint.

169. Deny the allegations in Paragraph 169 of the Complaint.

170. Neither admit nor deny the allegations contained in Paragraph 170 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

171. Neither admit nor deny the allegations contained in Paragraph 171 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

172. Neither admit nor deny the allegations contained in Paragraph 172 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

173. Neither admit nor deny the allegations contained in Paragraph 173 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

174. Deny the allegations in Paragraph 174 of the Complaint.

175. Deny the allegations in Paragraph 175 of the Complaint.

176. Neither admit nor deny the allegations contained in Paragraph 176 of the Complaint because they comprise specific medical and/or scientific principles and are not factual

allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

177. Deny the allegations in Paragraph 177 of the Complaint.

178. Deny the allegations in Paragraph 178 of the Complaint.

179. Deny the allegations in Paragraph 179 of the Complaint.

180. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 180 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

181. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 181 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

182. Neither admit nor deny the allegations contained in Paragraph 182 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

183. Neither admit nor deny the allegations contained in Paragraph 183 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

184. Neither admit nor deny the allegations contained in Paragraph 184 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

185. Neither admit nor deny the allegations contained in Paragraph 185 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

186. Neither admit nor deny the allegations contained in Paragraph 186 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

187. Deny the allegations in Paragraph 187 of the Complaint.

188. Deny the allegations in Paragraph 188 of the Complaint.

189. Neither admit nor deny the allegations contained in Paragraph 189 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

190. Neither admit nor deny the allegations contained in Paragraph 190 of the Complaint because they comprise specific medical and/or scientific principles and are not factual allegations, but deny that the characterization of same by Plaintiffs in said paragraph is complete or accurate when considered in the context of this case.

191. Deny the allegations in Paragraph 191 of the Complaint.

192. Deny the allegations in Paragraph 192 of the Complaint.

193. Deny the allegations in Paragraph 193 of the Complaint.

194. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 194 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

195. Deny the allegations in Paragraph 195 of the Complaint.

196. Deny the allegations in Paragraph 196 of the Complaint.

197. Neither admit nor deny the allegations contained in Paragraph 197 of the Complaint but refers the Court to the text of the AMA “CPT Assistant” referred to therein.

198. Defendant avers that Paragraph 198 of the Complaint references Exhibits “1” – “5” to the Complaint. As those documents speak for themselves, no responsive pleading is required and refer the Court to Exhibits “1” – “5” to the Complaint.

199. Deny the allegations in Paragraph 199 of the Complaint.

200. Deny the allegations in Paragraph 200 of the Complaint.

201. Deny the allegations in Paragraph 201 of the Complaint

202. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 202 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

203. The allegations in Paragraph 203 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

204. The allegations in Paragraph 204 of the Complaint state legal conclusions or purport to interpret The New York State Insurance Law and other related laws, statutes and regulations, as such Defendants neither admit nor deny those allegations.

205. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 205 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

206. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 206 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

207. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 207 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

208. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 208 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

209. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 209 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

210. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 210 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

211. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 211 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

212. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 212 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

213. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 213 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

214. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 214 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

215. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 215 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

216. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 216 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

217. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 217 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

218. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 218 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

219. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 219 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

220. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 220 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

221. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 221 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

222. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 222 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

223. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 223 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

224. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 224 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

225. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 225 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

226. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 226 of the Complaint.

227. The allegations in Paragraph 227 of the Complaint state legal conclusions or purport to interpret the “no fault” statute and regulations, as such Defendants neither admit nor deny those allegations.

228. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 228 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

229. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 229 of the Complaint.

230. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 230 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

231. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants’ Answer with the same force and effect as if fully set forth at length herein.

232. Deny the allegations in Paragraph 232 of the Complaint.

233. Deny the allegations in Paragraph 233 of the Complaint.

234. Deny the allegations in Paragraph 234 of the Complaint.

235. Deny the allegations in Paragraph 235 of the Complaint.

236. Deny the allegations in Paragraph 236 of the Complaint.

237. Deny the allegations in Paragraph 237 of the Complaint.

238. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants’ Answer with the same force and effect as if fully set forth at length herein.

239. Deny the allegations in Paragraph 239 of the Complaint.

240. Deny the allegations in Paragraph 240 of the Complaint.

241. Deny the allegations in Paragraph 241 of the Complaint.

242. Deny the allegations in Paragraph 242 of the Complaint.

243. Deny the allegations in Paragraph 243 of the Complaint.

244. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 244 of the Complaint.

245. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

246. Deny the allegations in Paragraph 246 of the Complaint.

247. Deny the allegations in Paragraph 247 of the Complaint.

248. Deny the allegations in Paragraph 248 of the Complaint.

249. Deny the allegations in Paragraph 249 of the Complaint.

250. Deny the allegations in Paragraph 250 of the Complaint.

251. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 251 of the Complaint.

252. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

253. Deny the allegations in Paragraph 253 of the Complaint.

254. Deny the allegations in Paragraph 254 of the Complaint.

255. Deny the allegations in Paragraph 255 of the Complaint.

256. Deny the allegations in Paragraph 256 of the Complaint.

257. Deny the allegations in Paragraph 257 of the Complaint.

258. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 258 of the Complaint.

259. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

260. Deny the allegations in Paragraph 260 of the Complaint.

261. Deny the allegations in Paragraph 261 of the Complaint.

262. Deny the allegations in Paragraph 262 of the Complaint.

263. Deny the allegations in Paragraph 263 of the Complaint.

264. Deny the allegations in Paragraph 264 of the Complaint.

265. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

266. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 266 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

267. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 267 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

268. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 268 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

269. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 269 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

270. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 270 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

271. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 271 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

272. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 272 of the Complaint.

273. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

274. Deny the allegations in Paragraph 274 of the Complaint.

275. Deny the allegations in Paragraph 274 of the Complaint.

276. Deny the allegations in Paragraph 276 of the Complaint.

277. Deny the allegations in Paragraph 277 of the Complaint.

278. Deny the allegations in Paragraph 278 of the Complaint.

279. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 279 of the Complaint.

280. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

281. Deny the allegations in Paragraph 281 of the Complaint.

282. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 282 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

283. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 283 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

284. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 284 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

285. Deny the allegations in Paragraph 285 of the Complaint.

286. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 286 of the Complaint.

287. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

288. Deny the allegations in Paragraph 288 of the Complaint.

289. Deny the allegations in Paragraph 289 of the Complaint.

290. Deny the allegations in Paragraph 290 of the Complaint.

291. Deny the allegations in Paragraph 291 of the Complaint.

292. Deny the allegations in Paragraph 292 of the Complaint.

293. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 293 of the Complaint.

294. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

295. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 295 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

296. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 296 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

297. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 297 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

298. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 298 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

299. Deny the allegations in Paragraph 299 of the Complaint.

300. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

301. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 301 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

302. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 302 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied

303. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 303 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied

304. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 304 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

305. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 305 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

306. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 306 of the Complaint.

307. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 307 of the Complaint.

308. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

309. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 309 of the Complaint.

310. Deny the allegations in Paragraph 310 of the Complaint.

311. Deny the allegations in Paragraph 311 of the Complaint.

312. Deny the allegations in Paragraph 312 of the Complaint.

313. Deny the allegations in Paragraph 313 of the Complaint.

314. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 314 of the Complaint.

315. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

316. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 316 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

317. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 317 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

318. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 318 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

319. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 319 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

320. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 320 of the Complaint.

321. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

322. Deny the allegations in Paragraph 322 of the Complaint.

323. Deny the allegations in Paragraph 323 of the Complaint.

324. Deny the allegations in Paragraph 324 of the Complaint.

325. Deny the allegations in Paragraph 325 of the Complaint.

326. Deny the allegations in Paragraph 326 of the Complaint.

327. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 327 of the Complaint.

328. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

329. Deny the allegations in Paragraph 329 of the Complaint.

330. Deny the allegations in Paragraph 330 of the Complaint.

331. Deny the allegations in Paragraph 331 of the Complaint.

332. Deny the allegations in Paragraph 332 of the Complaint

333. Deny the allegations in Paragraph 333 of the Complaint.

334. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

335. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 335 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

336. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 336 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

337. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 337 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

338. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 338 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

339. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 339 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

340. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 340 of the Complaint.

341. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 341 of the Complaint.

342. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

343. Deny the allegations in Paragraph 343 of the Complaint.

344. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 344 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

345. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 345 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

346. Deny the allegations in Paragraph 346 of the Complaint.

347. Deny the allegations in Paragraph 347 of the Complaint.

348. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 348 of the Complaint.

349. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

350. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 350 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

351. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 351 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

352. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 352 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

353. Deny the allegations in Paragraph 353 of the Complaint.

354. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 354 of the Complaint.

355. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

356. Deny the allegations in Paragraph 356 of the Complaint.

357. Deny the allegations in Paragraph 357 of the Complaint.

358. Deny the allegations in Paragraph 358 of the Complaint.

359. Deny the allegations in Paragraph 359 of the Complaint.

360. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 360 of the Complaint.

361. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

362. Deny the allegations in Paragraph 362 of the Complaint.

363. Deny the allegations in Paragraph 363 of the Complaint.

364. Deny the allegations in Paragraph 364 of the Complaint.

365. Deny the allegations in Paragraph 365 of the Complaint.

366. Deny the allegations in Paragraph 366 of the Complaint.

367. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

368. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 368 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

369. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 369 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

370. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 370 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

371. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 371 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

372. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 372 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

373. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 373 of the Complaint.

374. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 374 of the Complaint.

375. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

376. Deny the allegations in Paragraph 376 of the Complaint.

377. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 377 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

378. Deny the allegations in Paragraph 378 of the Complaint.

379. Deny the allegations in Paragraph 379 of the Complaint.

380. Deny the allegations in Paragraph 380 of the Complaint.

381. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 381 of the Complaint.

382. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

383. Deny the allegations in Paragraph 383 of the Complaint.

384. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 384 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

385. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 385 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

386. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 386 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

387. Deny the allegations in Paragraph 387 of the Complaint.

388. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 388 of the Complaint.

389. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

390. Deny the allegations in Paragraph 390 of the Complaint.

391. Deny the allegations in Paragraph 391 of the Complaint.

392. Deny the allegations in Paragraph 392 of the Complaint

393. Deny the allegations in Paragraph 390 of the Complaint.

394. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 394 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

395. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 395 of the Complaint.

396. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

397. Deny the allegations in Paragraph 397 of the Complaint.

398. Deny the allegations in Paragraph 398 of the Complaint.

399. Deny the allegations in Paragraph 399 of the Complaint.

400. Deny the allegations in Paragraph 400 of the Complaint.

401. Deny the allegations in Paragraph 401 of the Complaint.

402. Defendants repeat and reallege the answers set forth in all prior Paragraphs of the Defendants' Answer with the same force and effect as if fully set forth at length herein.

403. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 403 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

404. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 404 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

405. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 405 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

406. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 406 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

407. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 407 of the Complaint, except to the extent said allegations refer to the Defendants, to which extent they are hereby denied.

408. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 408 of the Complaint.

409. Deny knowledge and information sufficient to form a belief as to the allegations in Paragraph 409 of the Complaint.

410. Neither admit nor deny the allegations contained in Paragraph 410 of the Complaint but refers this question of law to the Court for its decision.

FIRST AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint is barred by the Statute of Limitation or otherwise untimely under New York No-fault Insurance Regulations.

THIRD AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint is barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint is barred by the doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiffs' Complaint is barred by the doctrine of equitable estoppel.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred by the doctrine of *res judicata*.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred by the doctrine of collateral estoppel.

EIGHTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred by the doctrine of claim preclusion.

NINTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred by the doctrine of issue preclusion.

TENTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred from recovery for lack of privity.

ELEVENTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred from recovery as they have failed to satisfy a necessary jurisdictional prerequisite.

TWELFTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred from recovery by the doctrine of waiver.

THIRTEENTH AFFIRMATIVE DEFENSE

The Plaintiffs' are barred from recovery by the doctrine of offer and compromise.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, due to a failure to mitigate damages.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to plead its claims of fraud with the requisite particularity.

SIXEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the *in pari delicto* doctrine.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by prior actions pending.

EIGHTEENTH AFFIRMATIVE DEFENSE

The claims for which Plaintiffs seek declaratory judgment are subject to Defendants' right to arbitrate pursuant to the Federal Arbitration Act and New York law, which right Defendants hereby demand.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims of fraud are barred by a lack of reasonable and/or justifiable reliance.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrine of, and public policy favoring, finality of settlements.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by Plaintiffs' unjust enrichment.

TWENTY-SECOND AFFIRMATIVE DEFENSE

The claims for which Plaintiffs seek declaratory judgment, to the extent such request for relief is based upon allegations of fraudulent incorporation, are barred by Plaintiffs' failure to timely raise them.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because to the extent Plaintiffs suffered any injury or incurred any damages as alleged in the Complaint, which Defendants deny, any such injury or damage was caused, in whole or in part, by intervening or superseding events, factors, occurrences, conditions or acts, over which Defendants had no control, or through acts or omissions on the part of Plaintiffs.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred to the extent they seek relief based upon allegations of fee-splitting, as such is not a proper basis for denial of payment of claims for reimbursement of services performed pursuant to New York No-Fault Law.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiffs have failed and refused to avail itself of the New York State Courts to vacate or otherwise challenge settlements or judgments which arose from New York State Court proceedings, and are therefore precluded from seeking to do so herein.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' forum shopping.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' instant claims constitute an impermissible collateral attack on previously rendered New York State Court decisions and/or judgments, and are therefore barred.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs' request for relief is based upon allegations of fraudulent incorporation, such allegations are inapplicable to individual health care practitioners billing under their own T.I.N. number

WHEREFORE, the Defendants request that the Complaint be dismissed in its entirety and for such other and further relief as may be just and equitable.

Dated: New York, New York
June 2, 2017

ABRAMS, FENSTERMAN, FENSTERMAN,
EISMAN, FORMATO, FERRARA & WOLF, LLP

/s/ Mark L. Furman

By: _____

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